

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION

UNITED STATES OF AMERICA  
upon the relation and  
for the use of the  
TENNESSEE VALLEY AUTHORITY  
Plaintiff

v.

Civil Action No. 2:05CV214

AN EASEMENT AND RIGHT-OF-WAY  
OVER 0.39 ACRE OF LAND, MORE OR  
LESS, AND ADDITIONAL RIGHTS  
WITH RESPECT TO A PREEXISTING  
EASEMENT AND RIGHT-OF-WAY  
OVER LAND IN CHEROKEE COUNTY,  
NORTH CAROLINA

LYNDA L. ROSS, ET AL.  
Defendants

**ORDER FOR DISBURSMENT OF FUNDS**

This action came on to be considered, and it appears from the August 3, 2006 Judgment entered herein (doc. 9) that this Court found (at 2) that \$6,100 constituted just compensation for the easement rights taken in this action and that Defendant Lynda L. Ross, who is the record owner of the property involved in this action (doc. 1 ¶ 6) and whose whereabouts were then unknown, was properly served by publication and had not answered or otherwise appeared in this action as of the date said Judgment was entered. This Court, therefore, directed in the Judgment (at ¶ 3) that the \$6,100 “remain on deposit with the United States

Treasury in accordance with 28 U.S.C. §§ 2041-2042 (2000), subject to further order of this Court” and that said Lynda L. Ross or any other person could seek entry of an order disbursing the \$6,100 “by filing with this Court an appropriate claim” to said amount.

Defendant Lynda L. Ross has now filed a Petition (doc. 10) in which she states by declaration pursuant to 28 U.S.C. § 1746 (2000) that she was the sole owner of the land involved in this action at the time the Declaration of Taking was filed herein, she continues to be the sole owner of said land, and Cherokee County property taxes in the amount of \$862.77 are the only lien on said property, as further evidenced by a copy of a letter from the Cherokee County Tax Office attached to her Petition. She further requests in the Petition (at 2) that the \$6,100 be disbursed by the issuance by the Clerk of this Court of two checks as hereinafter provided.

The Court finds that said Lynda L. Ross has provided the Court sufficient proof that she is the person entitled to seek the disbursement of the proceeds of this action and that the issuance of an order providing for the disbursement of said \$6,100 as provided below is proper pursuant to the Judgment and 28 U.S.C. § 2402.

It is, therefore, Ordered that the Clerk of this Court draw two checks on the funds deposited with the United States Treasury in the total amount of \$6,100, said two checks to be drawn and mailed as follows:

(a) A check in the amount of \$862.77 payable to Cherokee County Tax Office, marked "Payment of taxes – parcel No. 4592-16-83-5087-000," and to mail said check to Cherokee County Tax Office, Suite 108/Courthouse, Murphy, North Carolina 28906.

(b) A check in the amount of \$5,237.23 payable to Lynda L. Ross and to mail said check to her at P.O. Box 604, Tavares, Florida 32778-0604.

Signed: December 15, 2006



Lacy H. Thornburg  
United States District Judge



Tendered by:  
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